

ECF Cases

**DECLARATION OF GREGORY RIGDON IN SUPPORT OF
COMCAST'S MOTION FOR SUMMARY JUDGMENT**

I, Gregory Rigdon, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am Executive Vice President of Content Acquisition at Comcast Cable Communications, LLC (“Comcast Cable”). In that capacity, I am familiar with, and have personal knowledge of, the facts stated herein.

2. As Executive Vice President of Content Acquisition at Comcast Cable, my responsibilities include negotiating agreements on behalf of Comcast Cable with programming networks, as well as overseeing the strategic direction of the Company’s content portfolio. I have held this position since February 2011.¹

3. Prior to joining Comcast, I spent approximately five years at Charter Communications (“Charter”), the fourth-largest cable operator in the United States. While I held various titles at Charter, including Executive Vice President of Corporate Development & Strategy and Senior Vice President of Business Development, I was the senior executive responsible for content acquisition from the end of 2006 until I moved to Comcast. In that role, I was involved in negotiating affiliation agreements and making decisions regarding carriage of networks on Charter’s systems.

COMCAST CABLE’S CARRIAGE OF PROGRAMMING NETWORKS

4. Comcast Cable offers consumers subscription television services. Comcast Cable operates hundreds of local cable systems in 39 states and the District of Columbia.

5. Comcast Cable’s television service includes hundreds of different networks of programming. In order to gain the right to distribute these networks, Comcast Cable executes

¹ I adopt and incorporate the “Table of Abbreviations and Terms” in the Memorandum of Law in Support of Comcast’s Motion for Summary Judgment.

“affiliation agreements” with the networks, which permit Comcast Cable to distribute these networks to subscribers pursuant to the terms and conditions of the agreement. Such terms typically include a monthly fee paid by Comcast Cable to the network of a certain amount for every subscriber to whom Comcast Cable distributes the programming. [REDACTED]

[REDACTED] For Comcast Cable, these fees add up to [REDACTED] in programming expenses paid to networks.

6. Comcast Cable combines these networks into various packages (sometimes referred to as “tiers” of service) and sells these packages to consumers in exchange for monthly subscription fees. When networks increase the fees that they charge Comcast Cable, then Comcast Cable must either absorb the costs internally or pass along some or all of the increased costs to consumers.

7. Among the programming networks distributed by Comcast Cable are a substantial number of RSNs. As explained below, RSNs telecast games and other programming related to the sports teams of a particular region. During my career, I have participated in the negotiation of affiliation agreements with RSNs on behalf of Comcast Cable.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Individual cable systems have varying programming offerings in different parts of the country. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Comcast Cable faces vigorous competition from other MVPDs. Satellite providers DIRECTV and Dish Network are nationwide competitors that are present in every market in which Comcast Cable operates. Other competitors, such as telco companies (e.g., Verizon FiOS and AT&T U-verse) and other regional cable providers, are found in numerous additional markets. These MVPDs compete aggressively against Comcast Cable on both price and programming offerings. This makes it very important for Comcast Cable to strike the right balance of programming offerings and price in order to retain and attract subscribers.

COMCAST CABLE'S CARRIAGE OF RSNs

11. Comcast Cable subscribers often receive one or more RSNs via their subscription cable packages. A Comcast Cable subscriber in Northern New Jersey, for example, receives the YES Network, SportsNet New York, MSG, and MSG Plus. Each of these networks, like many of the RSNs distributed by Comcast Cable, include in their programming slates live MLB and/or NHL game telecasts. For example, the YES Network telecasts live New York Yankees (MLB) games.

12. As with other programming networks, Comcast Cable distributes RSNs to subscribers pursuant to the terms of its affiliation agreements with the RSNs. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OOM PACKAGES

14. For subscribers who wish to view games involving non-local teams, Comcast Cable offers the option of purchasing out-of-market (“OOM”) packages featuring MLB games (“Extra Innings”) and NHL games (“Center Ice”). These OOM packages are assembled by the respective Leagues and feature the RSN telecasts of live games.

15. By offering this option, the fans of OOM teams or general sports enthusiasts can view the vast majority of MLB and/or NHL games around the country while the subscription prices of non-sports fans are not impacted.

16. The contracts relating to the distribution of the MLB and NHL OOM television packages [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RSN CARRIAGE IN THE ABSENCE OF CURRENT LEAGUE RULES

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. As with other networks, Comcast Cable evaluates the costs and benefits of distributing RSNs before entering into affiliation agreements with them. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. Comcast Cable has occasionally obtained the right to distribute certain RSNs outside of the territories defined by League rules, but without live MLB and/or NHL game programming. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INTERNET STREAMING

24. In certain of its affiliation agreements with programming networks, Comcast Cable has obtained the right to stream programming from these networks via the Internet for Comcast Cable subscribers that receive these networks as part of their cable television package. The particular rights differ from network to network, but generally are either a simultaneous feed of the network or a simultaneous feed of certain programming of the network. Comcast Cable has made the effort to obtain the right to stream programming via the Internet in order to offer Comcast Cable customers additional avenues for enjoying their service.

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Executed this 13 day of May 2014.



Gregory Rigdon